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10/082,364

02/25/2002

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EXAMINER

WRIGHT, JAMES B

ART UNIT

PAPER NUMBER

3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/082,364	Applicant(s) WASSERMAN ET AL.	
	Examiner J. Bradley Wright	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/1/2002</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The new formal drawings were received on July 24, 2002. These drawings are not acceptable.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- receipt 42, referred to on page 11, line 21 and page 12, line 27; and
- fax receipt 34, referred to on page 11, line 28.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

No claim 47 has been presented. Therefore, misnumbered claims 48-53 been re-numbered 47-52. The Examiner notes that the dependencies of claims 49-51 should be accordingly amended.

4. Claims 1, 5, 25 and 50-52 are objected to because of the following informalities:

- the second instances of the term “storage” on line 9 of claim 1 and line 11 of claim 5 should read “stored”;
- the term “the code” in line 3 of claim 25 should read “a code” for proper antecedent basis;
- an appropriate linking term should be inserted between the terms “transmitted” and “a computer” on line 2 of claim 50;
- the term “provides” on line 2 of claim 51 should read “provide”; and
- the term “transfers” on line 2 of claim 52 should read “transfer”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 4 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Carcoba Olivares, et al. (US Patent Application Publication No. 2002/0055835).

6. Regarding claim 1, Carcoba Olivares discloses a system for sending a video message and transferring funds (Figure 6 and Abstract), comprising:

- a local station where a sender initiates a transaction including recording a video message and placing an order to transfer funds to a beneficiary at a remote destination (Figure 2, step S164 in Figure 5D, and paragraphs 0060-0061 and 0101),
- a call center that takes the order and identifies the transaction to enable the beneficiary to redeem the video message and funds at the remote destination (steps S116, S118 and S120 in Figure 5B, item 70 in Figure 6, and paragraphs 0083-0084 and 0095), and
- a storage station at which the video message is storage for subsequent delivery to the beneficiary (Figure 6, and paragraphs 0063-0064 and 0113).

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7. Regarding claim 2, Carcoba Olivares further discloses that the storage station is linked by a computer network to the remote destination (item 74 in Figure 6 and paragraph 0113).

8. Regarding claim 4, Carcoba Olivares further disclose that the call center is linked to the local station by a telephone with an automatic dialer (item 42 in Figure 2, and paragraphs 0060, 0082 and 0095).

9. Regarding claim 27, Carcoba Olivares discloses a method where a sender sends a video message and transfers funds to a beneficiary at a remote destination (Figure 6 and Abstract), said method comprising the steps of:

- (a) initiating at a local station a transaction including recording a video message and placing an order to transfer funds to the beneficiary at the remote destination (Figure 2, step S164 in Figure 5D, and paragraphs 0060-0061 and 0101),
- (b) recording at said local station the video message of the sender (step S168 in Figure 5D, and paragraph 0101), and
- (c) sending the video message to the remote destination to be redeemed by the beneficiary at the time the beneficiary redeems the funds upon the beneficiary providing acceptable identification (Figure 6 and paragraphs 0015, 0020 and 0026).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3, 5-26 and 28-52 rejected under 35 U.S.C. 103(a) as being unpatentable over Carcoba Olivares, and further in view of Stoutenburg, et al. (US Patent No. 6,488,203).

11. Regarding claims 3, 5-6, 28-29, 34-35 and 45-47, Carcoba Olivares discloses a system for sending a video message and transferring funds, comprising a local station where a sender initiates a transaction including recording a video message and placing an order to transfer funds to a beneficiary at a remote destination, a call center that takes the order and identifies the transaction to enable the beneficiary to redeem the video message and funds at the remote destination, said call center being linked to the local station by a telephone with an automatic dialer, and a storage station at which the video message is storage for subsequent delivery to the beneficiary, said storage station being linked by a computer network to the remote destination, as described above. Carcoba Olivares further discloses recording equipment that records the video message, said recording equipment being activated at the time the order is placed to

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record the video message of the sender (Figures 1, 2 and 5D, and paragraphs 0060 and 0101).

However, Carcoba Olivares does not explicitly disclose that the transaction is identified by a code that is provided to the sender.

Stoutenburg, in an analogous art, discloses that it is old and well-known in the art to identify a money transfer using a money transfer control number (MTCN) in order to provide a unique key to the transaction information stored in the database that can be used by the recipient to access the transfer (column 2, lines 4-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carcoba Olivares to identify transactions with a MTCN in order to identify the transaction within a database and facilitate access to the transfer by the recipient, as taught by Stoutenburg.

12. Regarding claims 7 and 37, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claims 6 and 34, respectively, as described above. However, Carcoba Olivares does not explicitly disclose that the telephone includes a headset that normally is positioned to disconnect the telephone and the call center and is manually moved into a call position when a call is initiated to activate an automatic dialer that connects the sender to the call center. Stoutenburg discloses that a telephone 12 may be configured to automatically connect to a customer service representative simply by picking up the handset for the purpose of providing direct and immediate access to the customer services representative or other employee of the

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financial services institution (item 12 in Figure 1, and column 3, lines 49-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the telephone in Carcoba Olivares to automatically connect to a customer service representative by picking up the handset for the purpose of providing direct and immediate access to the call center, as taught by Stoutenburg.

13. Regarding claims 8 and 36, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claims 7 and 35, respectively, as described above. However, Carcoba Olivares does not explicitly disclose an indicator that is turned on when the recording equipment is activated. The Examiner takes Official Notice that it was old and well-known in the art at the time the invention was made to include an indicator, such as a flashing light, on recording device, such as a video camera, for the purpose of notifying a user that the recording device is currently recording. Therefore, it would have been obvious to one of ordinary skill in the art to modify the video camera of Carcoba Olivares to include an indicator that notifies the user that the recording device is currently recording.

14. Regarding claims 9 and 30, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claims 8 and 29, respectively, as described above. Carcoba Olivares further discloses that the system includes a computer having a memory for storing, processing, and managing all information concerning a transaction (paragraphs 0058-0063). However, Carcoba Olivares does not explicitly disclose that a

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local agent manages the local station and receives a commission for the transaction.

Stoutenburg discloses that an agent manages the local station, for example at a convenience store or drug store, and receives a commission for each transaction, in order to provide extensive access to the financial services offered (column 3, lines 10-47, and column 4, lines 33-42). Therefore, it would have been obvious to one of ordinary skill in the art to modify Carcoba Olivares to have the communication and transaction centers managed by agents that receive commissions based on transactions in order to expand access to the services, as taught by Stoutenburg.

15. Regarding claims 10 and 31, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claims 9 and 30, respectively, as described above. However, Carcoba Olivares does not explicitly disclose that a code is provided to the sender at the time the order is placed to identify the transaction and the local agent credited with the commission. As described above, Stoutenburg, in an analogous art, discloses that it is old and well-known in the art to identify a money transfer using a money transfer control number (MTCN) in order to provide a unique key to the transaction information stored in the database that can be used by the recipient to access the transfer (column 2, lines 4-12). and that an agent may received a commission for each transaction (column 3, lines 18-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carcoba Olivares to identify transactions with a MTCN in order to identify the

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transaction within a database and properly credit the agent with a commission, as taught by Stoutenburg.

16. Regarding claims 11 and 32, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claims 9 and 31, respectively, as described above. Carcoba Olivares further discloses that a receipt is provided at the local station for approval by the sender (paragraphs 0073, 0076, 0106 and 0108).

17. Regarding claims 12 and 33, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claims 11 and 32, respectively, as described above. Carcoba Olivares further discloses that the receipt states the amount of the funds transferred, the exchange rate, name of the beneficiary, the remote destination (paragraphs 0062, 0073 and 0099). Carcoba Olivares does not explicitly disclose displaying a code identifying the transaction. As noted above, Stoutenburg discloses that it is old and well-known in the art to identify a money transfer using a money transfer control number (MTCN) in order to identify the transaction. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carcoba Olivares to provide a receipt that displays a code identifying the transaction in order provide the user with a unique key to identify the transaction, as taught by Stoutenburg.

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18. Regarding claim 13, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claim 6, as described above. Carcoba Olivares further discloses the video message may be tracked (paragraph 0066).

19. Regarding claims 14 and 15, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claim 6, as described above. Carcoba Olivares further discloses that the video message is transmitted to the storage station or the remote destination via a computer network (Figure 6 and paragraphs 0036-0037, 0040, 0063 and 0113).

20. Regarding claim 16, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claim 6, as described above. Carcoba Olivares further discloses that the video message may be recorded on a media and forwarded to a remote destination (paragraph 0060 and 0077).

21. Regarding claim 17, 38, 42, and 48-50, Carcoba Olivares, as discussed above, discloses a system for sending a video message and transferring funds, comprising a local station where a sender conducts a transaction including recording a video message and placing an order to transfer funds to a beneficiary at a remote destination, said local station having a telephone, including headset, linked by an automatic dialer to a call center that takes the order to transfer funds to the beneficiary at a remote destination, and recording equipment to record the video message, said recording

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equipment including a camera, a microphone, and a storage station to which the video message is transmitted for storage, said storage station being linked to the remote destination to enable the stored video message to be subsequently forwarded to said remote destination where the beneficiary redeems the funds and video message.

Carcoba Olivares further discloses said recording equipment being turned on after the transaction has been initiated and the sender has been instructed to look at the camera, hang up the headset, and speak into the microphone (Figure 5D and paragraphs 0075, 0101 and 0102) and that the local station includes an enclosure where the video message is recorded (paragraphs 0058-0059).

However, as noted above, Carcoba Olivares does not explicitly disclose that the local station is managed by a local agent, or that an indicator that is activated when the recording equipment has been activated. Again, as noted above, Stoutenburg discloses that an agent manages the local station, for example at a convenience store or drug store, in order to provide extensive access to the financial services offered. Additionally, as noted above, the Examiner has taken Official Notice that it was old and well-known in the art at the time the invention was made to include an indicator on recording device for the purpose of notifying a user that the recording device is currently recording.

22. Regarding claims 18 and 19, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claim 17, as described above. As noted above, Carcoba Olivares further discloses that the video message is transmitted to the storage

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station or the remote destination via a computer network (Figure 6 and paragraphs 0036-0037, 0040, 0063 and 0113).

23. Regarding claim 20, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claim 17, as described above. As noted above, Carcoba Olivares further discloses that the video message may be recorded on a media and forwarded to a remote destination (paragraph 0060 and 0077).

24. Regarding claim 21, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claim 17, as described above. Carcoba Olivares, as noted above, further discloses that the system includes a computer having a memory for storing, processing, and managing all information concerning a transaction (paragraphs 0058-0063). Further, Stoutenburg, as described above, discloses that it is old and well-known in the art to identify a money transfer using a money transfer control number (MTCN) in order to identify the transaction.

25. Regarding claim 22, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claim 21, as described above. As noted above, Stoutenburg discloses that it is old and well-known in the art to identify a money transfer using a money transfer control number (MTCN) in order to provide a unique key to the transaction information stored in the database that can be used by the recipient to

access the transfer (column 2, lines 4-12), and that an agent may received a commission for each transaction (column 3, lines 18-20).

26. Regarding claim 23, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claim 22, as described above. Carcoba Olivares further discloses that the recording equipment is activated after the code is provided (see Figure 5E).

27. Regarding claim 24, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claim 17, as described above. Carcoba Olivares, as noted above, further discloses that a receipt is provided at the local station for approval by the sender (paragraphs 0073, 0076, 0106 and 0108).

28. Regarding claim 25, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claim 24, as described above. Carcoba Olivares, as noted above, further discloses that the receipt states all the information related to the transaction (paragraphs 0062, 0073 and 0099).

29. Regarding claim 26, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claim 21, as described above. Carcoba Olivares, as noted above, further discloses the video message may be tracked (paragraph 0066).

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30. Regarding claim 39, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claim 38, as described above. Stoutenburg, as noted above, discloses that a telephone 12 may be configured to automatically connect to a customer service representative simply by picking up the handset for the purpose of providing direct and immediate access to the customer services representative or other employee of the financial services institution (item 12 in Figure 1, and column 3, lines 49-54).

31. Regarding claim 40, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claim 38, as described above. Stoutenburg, as noted above, further discloses an agent may receive a commission (i.e. credit) for each transaction (column 3, lines 18-20).

32. Regarding claim 41, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claim 38, as described above. However, Carcoba Olivares does not explicitly disclose that the operator obtains from the sender the identity of the beneficiary and the identity of the sender. Stoutenburg discloses that the sender may provide transaction information or details, such as the identities of the sender and recipient, to a customer service representative in order to comply with institutional or regulatory requirements (Figure 2 and column 4, lines 43-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify Carcoba Olivares to have the call center receive the identities of the sender and recipients in order to comply with various regulations, as taught by Stoutenburg.

33. Regarding claim 43, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claim 38, as described above. Carcoba Olivares, as noted above, further discloses that a receipt is provided at the local station (paragraph 0076) and that the video message may be tracked (paragraph 0066). Stoutenburg, as discussed above, discloses that it is old and well-known in the art to identify a money transfer using a money transfer control number.

34. Regarding claim 44, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claim 38, as described above. Stoutenburg, as discussed above, discloses that the sender may provide the beneficiary with the code for redeeming the funds and video message upon presentation at the remote destination (column 2, lines 4-12).

35. Regarding claim 51, the combination of Carcoba Olivares and Stoutenburg meets the limitations of claim 49, as described above. Carcoba Olivares further discloses that the enclosure has at least one open side to provide for the sender access to the zone (paragraphs 58-59).

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36. Regarding claim 52, as discussed, the combination of Carcoba Olivares and Stoutenburg disclose a station where a sender sends a video message and places an order to transfers funds to a beneficiary at a remote destination, said station comprising an enclosure providing a zone for the sender to record the video message and having at least one open side to provided for the sender access to the zone, said enclosure including recording equipment record the video message, said recording equipment including a camera, a microphone, and an indicator to notify the sender when the recording equipment has been activated, a computer network that links the recording equipment to a storage station and transmits a recorded video message via said computer network to the storage station, and a telephone having a headset, said telephone linked by an automatic dialer to a call center controls the activation of the indicator.

Conclusion

37. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Ozkan, et al. (US Patent Application Publication No. 2004/0133647) discloses a method and system for conveying video messages;
- Wegner, et al. (US Patent No. 6,032,192) discloses a pro-active message delivery system and method;
- Pena (US Patent No. 6,292,211) discloses a computer-aided telecommunication system and method;

- Bobo II (US Patent No. 5,870,549) discloses systems and methods for storing, delivering, and managing messages;
- Amos (US Patent Application Publication No. 2004/0139000) discloses an advanced automatic instant money transfer machine;
- Gallagher, et al. (US Patent No. 7,031,939) discloses systems and methods for implementing person-to-person money exchange;
- O'Leary, et al. (US Patent No. 6,609,113) discloses a method and system for processing internet payments using the electronic funds transfer network; and
- Sansone (US Patent No. 5,970,150) discloses a system for producing verifiable kiosk receipts and records.

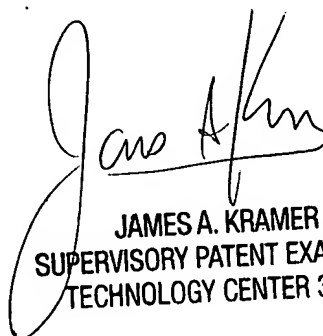
Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bradley Wright whose telephone number is (571) 272-5872. The examiner can normally be reached on M - F 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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jbw

 2/20/07
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